

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ROSE SCARPA,

Plaintiff,

v.

**SIX FLAGS GREAT ADVENTURE,
LLC,**

Defendant.

CIVIL ACTION

NO.:

**PETITION OF DEFENDANT, SIX FLAGS
GREAT ADVENTURE, LLC, FOR NOTICE OF REMOVAL**

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY:

AND NOW comes Defendant, Six Flags Great Adventure, LLC (hereinafter referred to as "Petitioner"), for the purpose of removing this Civil Action to the District Court of the United States for the District of New Jersey, and in support thereof state as follows:

1. On or about January 14, 2015, plaintiff commenced this action in the Superior Court of New Jersey, Law Division, Hudson County, at Docket Number HUD-L-219-15 (hereinafter "the State Court Action"). See true and correct copy of plaintiff's Complaint, attached hereto as Exhibit "A".

2. Plaintiff's Complaint was served on Defendant on or about February 2, 2015.

3. At the time of the commencement of the State Court Action and at the time of removal, Plaintiff is a resident and citizen of the State of New Jersey. *See* Exhibit "A", Introductory Paragraph.

4. At the time of the commencement of the State Court Action and at the time of removal, Petitioner Six Flags Great Adventure, LLC is a limited liability company, and as such has the citizenship of its Members. *Zambelli Fireworks Mfg. Co. v. Wood*, 592 F.3d 412, 419-20 (3d Cir. 2010).

5. At the time of the commencement of the State Court Action and at the time of removal, Six Flags Great Adventure, LLC is a wholly-owned subsidiary of Six Flags Theme Parks, Inc., a Delaware Corporation which has its principal place of business located in Grand Prairie, Texas and, as such, both it and its wholly-owned subsidiary, Petitioner Six Flags Great Adventure, LLC, are citizens of the States of Delaware and Texas. *See* true and correct copy of W. Hawrylak Affidavit, attached hereto as Exhibit "B".

6. Because this matter involves a controversy between citizens of different states and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, this matter is removable under 28 U.S.C. § 1332.

7. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is being filed within thirty (30) days after service of the complaint upon Petitioner.

8. No further proceedings as to Petitioner have taken place with regard to this action in the State Court Action filed in the Superior Court of New Jersey, Hudson County.

9. The above-described action is a Civil Action over which this Court has original jurisdiction pursuant to 28 U.S.C. §1332 and is one which may be removed to this Court by the Petitioner, pursuant to the provisions of 28 U.S.C. §1441.

10. This suit involves a controversy between citizens of different states: The plaintiff, according to her Complaint, is a resident and citizen of the State of New Jersey, *see* Exhibit "A", while Petitioner is not a resident or citizen of the State of New Jersey but, instead, is a resident and citizen of the States of Delaware and Texas, *see* Exhibit "B".

11. The amount in controversy would logically appear to exceed seventy-five thousand dollars (\$75,000.00) exclusive of interest and costs as this case allegedly involves severe injury, including but not limited to multiple fractures to plaintiff's face, cerebral concussion, and significant injury to her shoulder(s).

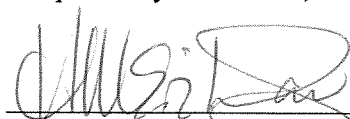
12. Petitioner has simultaneously with the filing of this Notice given written notice to counsel for all other parties involved in this action.

13. Petitioner has filed a copy of the instant Notice of Removal with all attachments thereto with the Clerk of the Superior Court of New Jersey, Law Division, Hudson County.

WHEREFORE, Six Flags Great Adventure, LLC, respectfully requests that this suit be removed to this Honorable Court pursuant to the laws of the United States.

Respectfully submitted,

By:



HEATHER M. EICHENBAUM, ESQUIRE
Attorney for Defendant,
Six Flags Great Adventure, LLC
Spector Gadon & Rosen, P.C.
Seven Penn Center
1635 Market Street, 7th Floor
Philadelphia, PA 19103
(215) 241-8856
(215) 531-9129 [fax]
heichenbaum@lawsgr.com

Dated: February 10, 2015

EXHIBIT

“A”

FILED
CUSTOMER SERVICE TEAM

JAN 14 2015

**SUPERIOR COURT OF NEW JERSEY
COUNTY OF HUDSON
CIVIL DIVISION #3**

PHILIP FEINTUCH, ESQ.-222951965
FEINTUCH, PORWICH & FEINTUCH, ESQS.
721 Newark Avenue
JERSEY CITY, NEW JERSEY 07306
(201) 856-8800
ATTORNEYS FOR PLAINTIFF: ROSE SCARPA

ROSE SCARPA

Plaintiff,

vs.

SIX FLAGS AMUSEMENT PARK

Defendant.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY
DOCKET NO. HUD-L-219-15**

CIVIL ACTION

Plaintiff, ROSE SCARPA, 15 Giles Avenue, Jersey City, New Jersey, by way
of Complaint against the Defendant, SIX FLAGS AMUSEMENT PARK, says;

1. On or about October 18, 2013 and for a period prior thereto, plaintiff owned and was operating an amusement park located in Jackson, New
2. On the same date, plaintiff, Rose Scarpa, was a patron at said facility.
3. On that date the plaintiff was knocked to the ground and injured when a group of unruly teenagers were bounding about in a recklessness and

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ATTORNEYS AT LAW
721 NEWARK AVENUE
JERSEY CITY, NJ 07306
(201) 856-8800

careless manner for an unreasonable period of time.

4. Plaintiff alleges that there was insufficient security in the area in which she was when she was knocked to the ground and injured.
5. As a result of the negligent operation and maintenance of defendant's premises the plaintiff was violently tossed about, sustained injuries causing permanent disability, permanent significant disfigurement, permanent loss of bodily function, has incurred or in the future will incur huge costs inclusive of hospital expenses, X-rays and other diagnostic medical expenses, has been disabled and not able to perform her usual functions, has been caused and in the future will be caused great pain and suffering to her great loss and damage.

WHEREFORE, plaintiff demands judgment against the defendant, Six Flags Amusement Park for damages together with interest and costs of suit.

FEINTUCH, PORWICH & FEINTUCH
Attorneys for Plaintiff, Rose Scarpa

By: 

PHILIP FEINTUCH

DATED: 1/4/15

FEINTUCH, PORWICH & FEINTUCH
ATTORNEYS AT LAW
721 NEWARK AVENUE
JERSEY CITY, NJ 07306
(201) 636-8800

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JURY DEMAND

Plaintiff demands trial by jury as to all issues so triable.

FEINTUCH, PORWICH & FEINTUCH
Attorneys for Plaintiff, Rose Scarpa

By: 

PHILIP FEINTUCH

CERTIFICATION

I certify that this matter is not the subject of any other action pending in any Court or a pending arbitration proceeding, nor is any other action or arbitration contemplated. All parties known to the Plaintiff who should have been joined in this action have been joined.

FEINTUCH, PORWICH & FEINTUCH
Attorneys for Plaintiff, Rose Scarpa

By: 

PHILIP FEINTUCH

DATED: 1/9/15

FEINTUCH, PORWICH & FEINTUCH
ATTORNEYS AT LAW
731 NEWARK AVENUE
JERSEY CITY, NJ 07310
(908) 636-8400

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Attorney(s): PHILIP FEINTUCH, ESQ.
 Attorney Id No.: 222951965
 Law Firm: FEINTUCH PORWICH & FEINTUCH
 Address: 721 NEWARK AVENUE
 JERSEY CITY, NJ 07306
 Telephone No.: (201) 656-8600
 Fax No.: (201) 656-7125
 E-mail: FPFLAWYERS@AOL.COM
 Attorney(s) for Plaintiff(s): ROSE SCARPA

ROSE SCARPA

Plaintiff(s)

VS.
 SIX FLAGS AMUSEMENT PARK

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION
 HUDSON COUNTY

DOCKET NO.: L-219-15

CIVIL ACTION

Summons

FROM THE STATE OF NEW JERSEY

To the Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is provided and available in the Civil Division Management Office in the county listed above or online at http://www.judiciary.state.nj.us/prose/10153_deptyclerkdaref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$ 175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

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 Rev. 9/4/12 Effective 9/4/12 P10/13

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If you cannot afford an attorney, you may call the Legal Services Office in the county where you live or the Legal Services of New Jersey statewide hotline at 1-888-LSNJ-LAW (676-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is provided and available online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Dated: January 30, 2015


MICHELLE M. SMITH *Clerk of the Superior Court*

Name of Defendant to be Served: SIX FLAGS AMUSEMENT PARK

Address of Defendant to be Served: Corporate Service Trust c/o: Six Flags, LLC
830 Bear Tavern Road, West Trenton, New Jersey 08628

Directory of Superior Court Deputy Clerk's Offices County Lawyer Referral and Legal Services Offices

ATLANTIC COUNTY

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bucharach Blvd., First Floor
Atlantic City, NJ 08401
LAWYER REFERRAL
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LEGAL SERVICES
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BERGEN COUNTY

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Justice Center, 10 Main Street
Hackensack, NJ 07601
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Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Floor, Courts Facility
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Mt. Holly, NJ 08060
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Civil Processing Office
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101 South Fifth Street, Suite 160
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9 North Main Street
Cape May Court House, NJ 08210
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LEGAL SERVICES
(609) 465-9001

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Civil Case Management Office
60 West Broad Street, P.O. Box 10
Bridgeton, NJ 08302
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LEGAL SERVICES
(856) 691-0494

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Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
485 Dr. Martin Luther King Jr. Blvd.
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LEGAL SERVICES
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Deputy Clerk of the Superior Court
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Attn: Intake, First Floor, Court House
1 North Broad Street
Woodbury, NJ 08096
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LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY

Deputy Clerk of the Superior Court
Superior Court, Civil Records Department
Brennan Court House, First Floor
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(201) 792-5363

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LEGAL SERVICES
(908) 752-7979

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Local Filing Office, Courthouse
176 South Broad Street, P.O. Box 8068
Trenton, NJ 08650
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LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY

Deputy Clerk of the Superior Court
Middlesex Vicinage
Second Floor - Tower
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New Brunswick, NJ 08903-2633
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(732) 823-0058
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY

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Court House
P.O. Box 1269
Freehold, NJ 07728-1269
LAWYER REFERRAL
(732) 481-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY

Morris County Courthouse
Civil Division
Washington and Court Streets
P.O. Box 910
Morristown, NJ 07960-0910
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191
LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07605
LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
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SALEM COUNTY

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079
LAWYER REFERRAL
(856) 935-5629
LEGAL SERVICES
(856) 691-0494

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Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, NJ 08876
LAWYER REFERRAL
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LEGAL SERVICES
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Deputy Clerk of the Superior Court
Sussex County Judicial Center
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Newton, NJ 07860
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(973) 267-5882
LEGAL SERVICES
(973) 883-7400

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Deputy Clerk of the Superior Court
First Floor, Court House
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LEGAL SERVICES
(908) 354-4840

WARREN COUNTY

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500
LAWYER REFERRAL
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LEGAL SERVICES
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EXHIBIT

“B”

STATE OF TEXAS :
 : ss.
COUNTY OF TARRANT :

I, WALTER S. HAWRYLAK, being of full age and sound mind, hereby depose and upon my oath aver as follows:

1. I am the Senior Vice President – Administration and Secretary of Six Flags Theme Parks, Inc. and am personally knowledgeable regarding the averments in this Affidavit.

2. Six Flags Great Adventure, LLC is a Limited Liability Company with one Member, that being Six Flags Theme Parks, Inc.

3. Six Flags Theme Parks, Inc. is a Delaware corporation, with its principle place of business at the location of my office, at 924 Avenue J East, Grand Prairie, Tarrant County, Texas. See true and correct copy of State of Delaware Certificate of Incorporation and Good Standing AND pertinent portions of 2013 New Jersey Annual Report, attached hereto as Exhibit “1”.

4. Six Flags Theme Parks, Inc. is the sole Member and/or parent company of approximately a dozen underlying entities, including Six Flags Great Adventure, LLC, and Six Flags Theme Parks, Inc.’s corporate headquarters and active business offices are located in Texas, from where the vast majority of its business is conducted.

5. Texas is where the company was founded and where its first property was located; and where the business continues to primarily function.

6. Six Flags Theme Parks, Inc. does not maintain any principle place of business in New Jersey and, in fact, Six Flags Theme Parks, Inc. has no place of business in New Jersey.

7. Six Flags Theme Parks, Inc. maintains its corporate offices in Grand Prairie, Texas, where it conducts business on a day-to-day basis involving both administrative staff and officers.

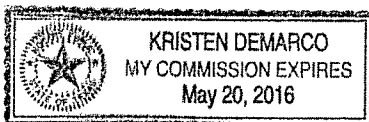
8. Six Flags Theme Parks, Inc.’s officers (including both high level and lower level) primarily direct, control, and coordinate the corporation’s activities, including the vast majority of its day-to-day as well as more significant activities, from its corporate offices in Grand Prairie, Texas.

9. In fact, Six Flags Theme Parks, Inc. conducts none of its corporate activities in the State of New Jersey.

I swear the above is true and correct to the best of my knowledge, understanding, and belief.

SWORN BEFORE ME THIS
5TH DAY OF February 2015


NOTARY PUBLIC




WALTER S. HAWRYLAK

#1865737_v1